

**ATTORNEY/CLIENT PRIVILEGED MATERIAL**

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TO: Commissioner of Patents

FAX NO.: (703) 872-9315

FROM: Eamon Wall

DATE: 12/18/02

MATTER: USSN 09/458,896; Attorney Docket No.: DIVA/038

True copies of our October 1, 2002 response to the Office Action mailed September 16, 2002 are enclosed. Although we received the PTO Auto-Reply Facsimile Transmission (copy enclosed), the Examiner advised today that the response is not logged in. PLEASE ADVISE.

Thank you.

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## TELEFAX COVER SHEET

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TO: Commissioner of Patents  
FAX NO.: 703-872-9315  
FROM: EAMON J. WALL  
DATE: 10/1/02  
MATTER: Serial No. 09/458,896 Filed: 12/10/99  
DOCKET NO.: DIVA/038  
APPLICANT: Bertram et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition  
☐ Disclosure Statement & PTO-1449  
☐ Priority Document  
☐ Drawings (1 sheet) - change encircled  
☒ Response Under 37 CFR 1.116

☒ Transmittal letter (2 copies)  
☐ Fcc Transmittal (2 copies)  
☐ Deposit Account Transaction  
☒ Facsimile Transmission Certificate  
dated 10/1/02

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant  
Commissioner for Patents, Washington, DC 20231 on 10/01/02, Facsimile No.  
703-872-9315

LAURA E. CRATER  
Name of person signing this certificate

 10/01/02  
Signature and date

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/458,896
	Filing Date	12/10/99
	First Named Inventor	Bertram
	Group Art Unit	2665
	Examiner Name	M. Molinari
Total Number of Pages in This Submission	Attorney Docket Number	DIVA/038

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is authorized to charge any underpayment or credit any overpayment of fees (including but not limited to any extension fees pursuant to 1.136(a)), to Deposit Account 20-0782. A duplicate copy of this transmittal is attached. Applicants do not believe that any additional fee is due.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Eamon J. Wall, Reg. No. 39,414	
Signature	<i>EJ Wall</i>	
Date	10/1/02	

#6/Recon;  
(NE)  
Official  
1/6/03IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

RECEIVED  
12/19/02 YB

Applicant(s): Bertram et al.  
Case: DIVA/038  
Serial No.: 09/458,896 Filed: December 10, 1999  
Group Art Unit: 2665  
Examiner: Molinari, Michael J.  
Title: METHOD AND APPARATUS FOR INJECTING INFORMATION  
ASSETS INTO A CONTENT STREAM

COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

S I R:

RESPONSE UNDER 37 C.F.R. §1.116

In response to the final Office Action mailed September 16, 2002 (Paper No. 5), please consider the above-identified patent application as follows.

REMARKS

This response is intended as a full and complete response to the final Office Action dated September 16, 2002. In the final Office Action, the Examiner notes that claims 1-17 are pending, of which claims 1-17 stand rejected.

In view of the following discussion, the applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the applicants' subject matter recited in the present claims. Thus, the applicants believe that all of these claims are now in allowable form.

1. 35 U.S.C. §102  
Claims 1-4, 6-8, and 10-16